

Atty. Docket No. YOR920010266US2
(590.071)

REMARKS

Applicants and the undersigned are most grateful for the time and effort accorded the instant application by the Examiner. The Office is respectfully requested to reconsider the rejections presented in the outstanding Office Action in light of the following remarks.

The disclosure stands objected to because it contains an embedded hyperlink or other form of browser executable code. The disclosure has been amended such that the http:// portion of the web addresses appearing in the specification is contained within [], thus the addresses appear in the specification in the form of [http://]www.website.com. Applicants respectfully submit that this complies with MPEP § 608.01 as the address in this form is not a hyperlink or browser executable code. See U.S. Patent No. 6,705,943 (March 16, 2004) (web addresses in the format [http:// are not a hyperlink or browser executable code when the patent is retrieved from the USPTO web site).

The drawings are objected to under 37 CFR 1.83(a) for failing to show every feature of the invention specified in the claims. Specifically, the Office asserts the "package", "method" and "program storage device" complete with their associate features must be shown or the feature(s) canceled from the claims. (*Office Action* at 2) This objection is respectfully traversed. Applicants wish to direct the Examiner's attention to the fact that these terms appear in the preamble of the independent claims and that as such their illustration has not been required in the drawings. See U.S. Patent No. 6,782,515 (August 24, 2004) ("program storage device" recited in claims not illustrated in drawings

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in an application examined by the present Examiner). Accordingly, Applicants respectfully request this objection be withdrawn. Should the objection be maintained, clarification is requested.

Claims 1-15 were pending in the instant application at the time of the outstanding Office Action. Independent Claims 1, 8, and 15 have been have been rewritten. These amendments are not in acquiescence of the Examiner's position on the allowability of the claims, but merely to expedite prosecution. It should be noted Applicant intends no change in scope of the claims by the changes made by these amendments and has introduced no new matter to the specification.

Claims 1-6 stand objected to with the Office asserting the language "adapted to" is not a positive limitation and should be deleted. Applicants respectfully traverse this objection. A search on the USPTO website for issued patents containing the language "adapted to" in the claims identifies 429,229 patents which contain the language the Office is objecting to in the present application. The most recent of these issued patents is U.S. Patent No. 6,810,527, which issued on the date this Amendment is being submitted (Claim 12, "one or more operations centers *adapted to* process live television content .."). *See also* U.S. Patent No. 6,715,138 (March 30, 2004) (Claim 2, "wherein the signal voltage swing in the case of memory-based circuit units is *adapted to* the signal voltage swing in the case of logic-based circuit units" in an application examined by the present Examiner). Accordingly, Applicants respectfully request this objection be withdrawn. Should the objection be maintained, clarification is requested.

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Claims 1, 8 and 15 stand rejected under Section 112, first paragraph, it being asserted there is not support in the specification for the phrase "at least a partial order among the nodes is maintained". It is believed this objection has been obviated as Claims 1, 8 and 15 have been rewritten in a manner consistent with the specification.

Claims 1, 6, 8, 13 and 15 stand rejected under Section 112, second paragraph, with it being asserted these claims are indefinite. The basis for the rejection against Claims 1, 8, and 15 is the phrase "whereby the use of pointers is precluded"; the basis for the rejection against Claims 6 and 13 is the phrase "avoid[ing] the use of reference counts". The rejection further states "[a] claim is indefinite where it merely recites a use without any active, positive steps delimiting how this use is actually practiced." These rejections are respectfully traversed. It is respectfully submitted the terms "precluded" and "avoid" are indeed active, positive steps. For example, the term "precluded" appears in the claims of at least 1,294 issued United States Patents. *See* U.S. Patent No. 6,805,388 (October 19, 2004) (Claim 7, "*whereby* the pin head is adapted to be pushed in a first direction through the passageway and past the retainer and then be *precluded* from unintentionally moving in an opposite direction through the passageway and past the retainer") Furthermore, the term "avoid" appears in the claims of at least 16,036 issued United States Patents. *See* U.S. Patent No. 6,810,493 (October 26, 2004) (Claim 3, "*wherein* said errant client is adapted to be removed from said notification list to *avoid* future event notification of said client"). Accordingly, Applicants respectfully request this objection be withdrawn. Should the objection be maintained, clarification is requested.

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Claims 1, 6, 8, 13 and 15 are also indicated as being rejected under Section 112, although the identified basis is 35 U.S.C. 101. (*Office Action* at 4) The basis for this rejection appears to be an error, as there is no section entitled "Claim Rejections - 35 USC § 101" in the Office Action. To the extent this is a continuation of the Section 112 rejections addressed above (the language is similar), the comments made in response to those rejections continue to be applicable. Clarification is respectfully requested.

Claims 1-3, 6-10, and 13-15 stand rejected under 35 U.S.C. 102(b) as anticipated by Biere. Claims 1-5, 8-12, and 15 stand rejected under 35 U.S.C. 102(b) as being anticipated by Biliris. Reconsideration and withdrawal of the present rejections is hereby respectfully requested.

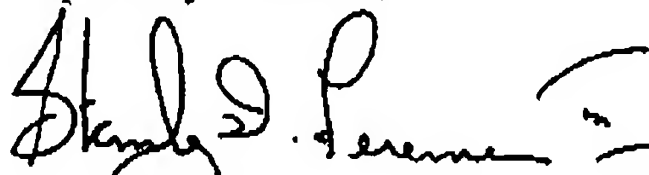
As presently amended, Independent Claims 1, 8, and 15 recite that an order among the nodes is maintained. It is respectfully submitted that the applied art clearly falls short of present invention in that the applied art does not disclose or suggest maintaining "an order among the nodes". Accordingly, Applicant respectfully submits that the applied art does not anticipate the present invention because, at the very least, "[a]nticipation requires the disclosure in a single prior art reference of each element of the claim under construction." W.L. Gore & Associates, Inc. v. Garlock, 721 F.2d 1540, 1554 (Fed. Cir. 1983); see also In re Marshall, 198 U.S.P.Q. 344, 346 (C.C.P.A. 1978).

In view of the foregoing, it is respectfully submitted that Claims 1, 8, and 15 fully distinguish over the applied art and are thus in condition for allowance. By virtue of dependence from what are believed to be allowable independent Claims 1, 8, and 15, it is

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respectfully submitted that Claims 2-7, and 9-14 are also presently allowable. Notice to the effect is hereby earnestly solicited. If there are any further issues in this application, the Examiner is invited to contact the undersigned at the telephone number listed below.

Respectfully submitted,



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